

## HOUSE BILL NO. 301

INTRODUCED BY GALVIN-HALCRO, CALLAHAN, FRANKLIN, GUTSCHE, LINDEEN, A. OLSON,  
TROPILA, MOSS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CONTINUING SALE OF LEWIS AND CLARK BICENTENNIAL SPECIALTY LICENSE PLATES; PROVIDING THAT REVENUE FROM THE LICENSE PLATE SALES BE ALLOCATED TO THE DEPARTMENT OF COMMERCE AND THE MONTANA HISTORICAL SOCIETY AS THE ~~SUCCESSOR~~ SUCCESSORS TO THE LEWIS AND CLARK BICENTENNIAL COMMISSION TO BE ALLOCATED TO CERTAIN PRIVATE, NONPROFIT ASSOCIATIONS THAT SUPPORT LEWIS AND CLARK DESTINATION SITES AND TO BE USED FOR PROJECTS RELATED TO LEWIS AND CLARK; ESTABLISHING A STATE SPECIAL REVENUE ~~ACCOUNT~~ ACCOUNTS FOR THE RECEIPT OF LICENSE PLATE REVENUE; PROVIDING FOR THE ALLOCATION AND USE OF THE REVENUE IN THE ~~ACCOUNT~~ ACCOUNTS; REVISING THE DEFINITION OF "SPONSOR" WITH REGARD TO GENERIC SPECIALTY LICENSE PLATES TO INCLUDE A SUCCESSOR TO A SPONSOR TERMINATING BY LAW; ELIMINATING CERTAIN STATUTORY REFERENCES TO THE LEWIS AND CLARK BICENTENNIAL COMMISSION; AMENDING SECTIONS 2-15-150, 2-15-151, 2-17-808, 17-7-502, 61-3-473, 61-3-476, 61-3-477, AND 61-3-480, MCA; REPEALING SECTION 2-17-809, MCA, SECTION 17, CHAPTER 414, LAWS OF 2001, AND SECTION 135, CHAPTER 114, LAWS OF 2003; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-150, MCA, is amended to read:

**"2-15-150. (Temporary) Lewis and Clark bicentennial commission -- membership -- purpose -- account.** (1) There is a Lewis and Clark bicentennial commission.

(2) The commission consists of 12 members, as follows:

(a) nine members who must be appointed by the governor, at least three of whom must be enrolled members of a Montana Indian tribe and live on a Montana Indian reservation, who shall serve 3-year staggered terms, who shall represent Montana's different geographical areas, and who must have an interest in the history of the Lewis and Clark expedition;

(b) the director of the Montana historical society, established in 22-3-101;

(c) the administrator of the parks division within the department of fish, wildlife, and parks, established in 2-15-3401; and

(d) the administrator of the Montana promotions division within the department of commerce, established in 2-15-1801.

(3) The commission is responsible for coordinating and promoting observance of Montana's bicentennial commemoration of the Lewis and Clark expedition and the importance of the roles played by Montana's Indian people to the Lewis and Clark expedition. The commission may:

(a) cooperate with national, regional, statewide, and local events promoting the bicentennial;

(b) plan and coordinate or assist in planning and coordinating bicentennial events;

(c) engage in fundraising activities, including revenue-earning enterprises and the solicitation of grants, gifts, and donations;

(d) promote public education concerning the Lewis and Clark expedition and the history and culture of Montana's Indian people at the time of the Lewis and Clark expedition; and

(e) perform other related duties.

~~(4) (a) The Lewis and Clark bicentennial commission is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$3 million, payable over a term not to exceed 6 years, for the purposes identified in subsection (3).~~

~~—— (b) The Lewis and Clark bicentennial commission shall pledge to the repayment of any indebtedness the proceeds from the sale of Lewis and Clark bicentennial license plates as provided in 2-15-151.~~

~~—— (c) The proceeds of any loan from the board of investments to the Lewis and Clark bicentennial commission must be deposited in the account established in subsection (5).~~

~~(5)(4)~~ There is a Montana Lewis and Clark bicentennial account. Money in the account may include money from revenue-earning enterprises, grants, gifts, or donations, money appropriated by the legislature, and interest earned on the account. Account funds must be used for the purposes described in this section.

~~(6)(5)~~ The commission is attached to the Montana historical society for administrative purposes only as provided in 2-15-121. ~~(Subsections (1) through (3), (5), and (6) terminate (Terminates December 31, 2007--sec. 2, Ch. 428, L. 1997; subsection (4) terminates December 31, 2006--sec. 17, Ch. 414, L. 2004.)~~

**Section 2.** Section 2-15-151, MCA, is amended to read:

**"2-15-151. (Temporary) Lewis and Clark bicentennial license plates -- authorization to apply as**

**sponsor -- use of proceeds.** (1) ~~The Lewis and Clark bicentennial commission may:~~

~~—— (a) apply to the department of justice to sponsor a generic specialty license plate as provided in 61-3-476; and~~

~~—— (b) require an~~ An applicant for a generic specialty license plate sponsored that was sponsored by the former Lewis and Clark bicentennial commission to shall make a donation of \$20 to the department of commerce AND THE MONTANA HISTORICAL SOCIETY as the successor SUCCESSORS to the Lewis and Clark bicentennial commission upon initial issuance of the license plates and a donation of \$20 upon each annual renewal of the license plates.

(2) The donation provided for in subsection (4)(b) (1) must be paid to the county treasurer, who shall remit the entire amount to the department of revenue for deposit in the special revenue ~~account~~ ACCOUNTS established in ~~2-15-150~~ [section 3].

(3) ~~The Lewis and Clark bicentennial commission shall establish the criteria that entities or organizations are required to meet in order to receive proceeds from the special revenue account established in 2-15-150, and the commission may distribute the money in a manner and in any amount that it determines appropriate.~~

~~—— (4) The Lewis and Clark bicentennial commission may retain any amount of money collected in the special revenue account that it determines necessary to fulfill its responsibilities and carry out the activities provided in 2-15-150.~~

~~—— (5) Entities receiving funds under subsection (3) may not use the funds for purposes other than those prescribed by the Lewis and Clark bicentennial commission and subject to 2-15-150.~~

(3) Beginning January 1, 2007, the department of commerce AND THE MONTANA HISTORICAL SOCIETY shall use money in the special revenue ~~account~~ ACCOUNTS established in [section 3] to support projects related to Lewis and Clark.

~~(6) Proceeds from license plate donations and proceeds from any loan from the board of investments that are received in the special revenue account established in 2-15-150 are statutorily appropriated, as provided in 17-7-502, to the Lewis and Clark bicentennial commission. (Terminates December 31, 2006--sec. 17, Ch. 414, L. 2001.)"~~

**NEW SECTION. Section 3. Department of commerce Lewis and Clark bicentennial account -- MONTANA HISTORICAL SOCIETY LEWIS AND CLARK BICENTENNIAL ACCOUNT.** (1) (A) There is a department of commerce Lewis and Clark bicentennial account in the state special revenue fund. ~~The~~ THREE-FOURTHS OF THE

revenue from the sales of Lewis and Clark bicentennial license plates under 2-15-151 must be placed into the account and must be used as provided in 2-15-151. The revenue in the account is statutorily appropriated, as provided in 17-7-502, to the department of commerce.

(B) THERE IS A MONTANA HISTORICAL SOCIETY LEWIS AND CLARK BICENTENNIAL ACCOUNT IN THE STATE SPECIAL REVENUE FUND. ONE-FOURTH OF THE REVENUE FROM THE SALES OF LEWIS AND CLARK BICENTENNIAL LICENSE PLATES UNDER 2-15-151 MUST BE PLACED INTO THE ACCOUNT AND MUST BE USED AS PROVIDED IN 2-15-151. THE REVENUE IN THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE MONTANA HISTORICAL SOCIETY.

(2) The department of commerce shall allocate the proceeds that are deposited in the account ESTABLISHED IN SUBSECTION (1)(A) as grants, as follows:

- (a) one-third to the Lewis and Clark interpretive center foundation;
- (b) one-third to the Pompeys pillar historical association;
- (c) one-third to the travelers' rest preservation and heritage association.

~~(3) Entities receiving funds under this section SUBSECTION (2) may not use the funds for purposes other than those prescribed by the department of commerce.~~

**Section 4.** Section 2-17-808, MCA, is amended to read:

**"2-17-808. Placement of certain busts, statues, memorials, monuments, and art displays.** (1) The following busts, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in the capitol:

- (a) the busts of Thomas J. Walsh, Burton K. Wheeler, and Joseph Dixon;
- (b) the plaques commemorating Theodore Brantley, Fred Whiteside, the first Montana volunteers who fought in the Spanish-American War, the construction of the capitol from 1899 to 1902, and the 1972 Montana constitutional convention;
- (c) the murals by Edgar S. Paxson, Ralph E. DeCamp, Charles M. Russell, Amedee Joullin, and F. Pedretti and sons;
- (d) the portraits of Joseph K. Toole and Wilbur Fiske Sanders;
- (e) the statues of Wilbur Fiske Sanders, ~~Jeanette~~ Jeannette Rankin, and Mike and Maureen Mansfield;
- (f) the Montana statehood centennial bell;
- (g) the gallery of outstanding Montanans;

(h) the Montana constitutional exhibit; and

(i) the biographical descriptions of Montana's governors, to be placed near the portraits of the governors.

(2) The following busts, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the grounds of the capitol:

(a) the statue of Thomas Francis Meagher;

(b) the plaque commemorating Donald Nutter; and

(c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair, and renovation project.

(3) The statue by Robert Sriver entitled "symbol of the pros" is to be placed for up to 50 years, subject to renewal, on the capitol complex grounds.

(4) The senate sculpture ~~provided for in 2-17-809~~ depicting the Lewis and Clark expedition is to be placed for up to 50 years, subject to renewal, on the west wall in the senate chambers.

(5) The council shall determine the specific placement of the items identified in subsections (1) through (3)."

**Section 5.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: ~~2-15-151~~; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-11-404; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612;

23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623;  
53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;  
77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; [section 3]; 90-3-1003; 90-6-710; and  
90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; ~~and pursuant to sec. 135, Ch. 114, L. 2003, the inclusion of 2-15-151 terminates June 30, 2005; and pursuant to sec. 12, [LC 1693], L. 2005, the inclusion of [section 3] becomes effective December 31, 2006.)"~~

**Section 6.** Section 61-3-473, MCA, is amended to read:

**"61-3-473. Definitions.** As used in 61-3-472 through 61-3-481, the following definitions apply:

(1) "Generic specialty license plate" means a license plate that bears the name, identifying phrase, or graphic of a sponsor, approved by the department, and that is issued by the department.

(2) "Governmental body" means a tribal government, state agency, local government, school district, or other political subdivision within this state.

(3) "Organization" means an association, corporation, group, or other entity:

(a) recognized by the internal revenue service as tax-exempt under 26 U.S.C. 501(c)(3); and

(b) that does not have as its primary focus sectarian activities, including but not limited to activities aimed at promoting the adoption of one or more religious or political viewpoints.

(4) "Sponsor" means the governmental body, the governmental body's successor, or an organization

approved by the department to promote the sale and issuance of a generic specialty license plate.

(5) "Tribal government" means the officially recognized government of an Indian tribe, nation, or other organized Indian group or community located in Montana that is exercising self-government powers and that is recognized as being eligible for services provided by the United States to Indians because of their status as Indians."

**Section 7.** Section 61-3-476, MCA, is amended to read:

**"61-3-476. Qualification and approval of governmental body as sponsor.** (1) To qualify for sponsorship of a generic specialty license plate, a governmental body shall:

(1)(a) apply for sponsorship through the executive body of a tribal government, the state agency director or department head, the commission or council of a local government or political subdivision, or the board of trustees of a school district on a form or in a format approved by the department;

(2)(b) if the governmental body is a state agency, identify the statutory authority under which it is relying to seek sponsorship of a generic specialty license plate and specify the account in which any generic specialty license plate donations must be placed;

(3)(c) designate one of its officers or employees as the governmental body's generic specialty license plate liaison. The liaison is responsible for all communications with the department regarding the governmental body's sponsorship of generic specialty license plates and shall file the liaison's name, address, and telephone number with the department.

(2) The legislature may designate a governmental body to be a successor to a governmental body that is terminated. The successor governmental body shall succeed to all rights and responsibilities of the original sponsor."

**Section 8.** Section 61-3-477, MCA, is amended to read:

**"61-3-477. Generic specialty license plate liaison -- responsibilities.** (1) Upon the department's approval of an organization's or a governmental body's proposed sponsorship of a generic specialty license plate, the generic specialty license plate liaison designated under 61-3-475(1)(c) and ~~61-3-476(3)~~ 61-3-476(1)(c) shall submit to the department the sponsor's name, identifying phrase, and graphic that will appear on the generic specialty license plate.

(2) The generic specialty license plate liaison shall:

(a) verify and approve in writing the prototype or mockup of the sponsor's generic specialty license plate before it may be manufactured or issued by the department; and

(b) confirm, in writing, the donation fee established by the sponsor for initial purchase of the sponsor's generic specialty license plate and for renewal of the sponsor's generic specialty license plate if the fee is required on renewal.

(3) Once a sponsor's generic specialty license plate has been approved for manufacture and distribution, the donation fee established by the sponsor and confirmed by the liaison may not be changed unless a new plate design is authorized in accordance with 61-3-475."

**Section 9.** Section 61-3-480, MCA, is amended to read:

**"61-3-480. Fees for generic specialty license plates -- disposition.** (1) In addition to the other fees and taxes imposed by law, an eligible person who applies for a generic specialty license plate shall pay an administrative fee of \$15 and, except as provided in 61-3-479(1)(b), the donation fee specified by the sponsor.

(2) The county treasurer shall, upon receipt of the fees:

(a) deposit \$5 of the \$15 administrative fee in the county general fund;

(b) notwithstanding any other provisions of Title 7, Title 17, or this title and unless otherwise provided in 61-3-479(1)(b), accept the donation fee paid by the plate purchaser; and

(c) as provided in 15-1-504, once each month, transmit to the department of revenue for distribution:

(i) \$10 of the \$15 administrative fee to the state general fund; and

(ii) all donation fees provided for in subsections (1) and (3), along with a schedule showing the number and type of generic specialty license plates issued and total donations received for the benefit of each sponsor of a generic specialty license plate issued or renewed, to each respective sponsor.

(3) If the donation fee is required by a sponsor upon renewal of generic specialty license plates, the fee must be paid to the county treasurer upon renewal of registration and transmitted to the department of revenue as prescribed in subsection (2).

(4) Once each month, the department of revenue shall distribute to the generic specialty license plate liaison designated by a sponsor under 61-3-475(1)(c) or ~~61-3-476(3)~~ 61-3-476(1)(c) an amount equal to the total donations credited to that sponsor and transferred to the department of revenue by the county treasurers during the preceding month."



**NEW SECTION.** **Section 10. Repealer.** Section 2-17-809, MCA, section 17, Chapter 414, Laws of 2001, and section 135, Chapter 114, Laws of 2003, are repealed.

NEW SECTION. SECTION 11. PERFORMANCE OF ADMINISTRATION. IT IS THE INTENT OF THE LEGISLATURE THAT COSTS OF ADMINISTRATION TO IMPLEMENT THE FUNCTIONS REQUIRED IN [THIS ACT] BE FUNDED WITHIN EXISTING APPROPRIATION LEVELS.

**NEW SECTION.** **Section 12. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 90, chapter 1, part 1, and the provisions of Title 90, chapter 1, part 1, apply to [section 3].

NEW SECTION. **Section 13. Effective dates.** (1) [Sections 1 through 5 and 10] are effective December 31, 2006.

(2) [Sections 6 through 9,11, AND 12 and this section] are effective July 1, 2005.

- END -